

**MONTANA PUBLIC SERVICE COMMISSION  
UTILITY DIVISION  
AGENDA NO. 06-11-09**

Date Published: November 2, 2006  
For Work Week Commencing: November 06, 2006  
Commission Meeting: **November 9, 2006, 9:00 a.m.**

General Introduction This agenda is the Commission's Utility Division agenda for the work week designated. In the later part of each week (generally, Thursday by 2:00 p.m.) prior to the work week to which an agenda pertains, the agenda is posted on the public information bulletin board at the Commission offices, deposited in the mail directed to all persons who have properly requested notice by mail, emailed to all persons who have properly requested notice by email, and posted to the Public Service Commission's worldwide web site located at <http://www.psc.mt.gov>.

Place of Meetings All meetings are held at the Commission offices, 1701 Prospect Avenue, Helena, Montana, unless otherwise noted.

Live audio feed Unless otherwise noted on this agenda, all Commission meetings held during regular business hours that are noticed on this agenda will be webcast live via the audio feed link on the PSC website (<http://psc.mt.gov/eDocs/#Calendars>). The audio feeds of meetings are also archived at the same website location.

Inquiries General inquiries concerning this Utility Division agenda and subscribing to notice by mail may be made to Kate Whitney at (406) 444-3056. She may refer inquiries to another person within the agency.

Accommodation for Persons with Disabilities Anyone needing an accommodation for physical, hearing, or sight impairment in order to attend a scheduled meeting should contact the Commission secretary at (406) 444-6199 sufficiently prior to the meeting to allow accommodations to be made.

**9:00 a.m. Weekly Scheduling** (Commission Conference Room – No Web Audio Feed)

**9:30 a.m. Business** (Bollinger Room)

**Public Comments**

**Action Items** All items identified below are for action at the Commission business meeting.

1. AT &T N2006.10.151 (Scott)

On October 17, 2006, AT & T filed Tariff Transmittal 2006-14. This filing clarifies the language for the Prepaid Phone Card. Probable Motion: Approve AT & T's Tariff Transmittal 2006-14 in Docket N2006.10.151.

2. AT &T N2006.10.154 (Scott)

On October 19, 2006, AT & T filed Tariff Transmittal 2006-15. This filing clarifies the language to the Public Payphone Surcharge Tariff for AT &T Prepaid phone Service. Probable Motion: Approve AT & T's Tariff Transmittal 2006-15 in Docket N2006.10.154.

3. Qwest Corporation N2006.10.155 (Gary)

On October 25, 2006 Qwest Corporation (Qwest) filed for Commission approval a Multi-State Agreement (MSA) between Qwest and Fidelity National Financial Incorporated (Fidelity). Qwest is filing the MSA with the Commission for approval pursuant to Section 2.18 (Large Business Customers With a Multi-State Presence) of its Exchange and Network Service Tariff, and pursuant to the Commission's April 16, 2004 Notice of Commission Action (NCA) in Docket N2003.10.149. Also pursuant to the NCA, Qwest filed proprietary cost information. The MSA is the result of Qwest renewing and expanding an existing contract with Fidelity to provide various telecommunications services within Qwest's incumbent territory which includes a location in Montana. The services purchased by Fidelity are available from other competitive carriers in addition to Qwest. Probable Motion - Move to approve the Multi-State Agreement (MSA) between Qwest Corporation and Fidelity National Financial Incorporated in Docket No. N2006.10.155.

4. MDU Resources Group, Inc. D2006.10.153 (Eric)

On October 20, 2006, MDU Resources Group, Inc. applied for authority to issue up to 2,958,318 additional shares of its authorized but unissued Common Stock pursuant to MDU Resources' 401(k) Retirement Plan. A default order has been drafted. Probable Motion: Grant MDU Resources Group Inc.'s application to issue up to 2,958,318 additional shares of Common Stock.

**Work Sessions** All items identified below are for Commission discussion or action on the day designated.

1. D2004.7.120, D2006.6.80 – Energy West Montana – Consolidated '04 and Combined '05/'06 annual trackers – discussion, direction, action on motion to suspend schedule and deem submitted. (11/09/06)
2. D2006.5.58 – NorthWestern Energy – 2006 Annual gas cost tracker – direction, direction, action on motion to waive hearing. (11/09/06)
3. D2006.6.94 – NorthWestern Energy – 2006 Annual QF avoided cost – Discussion, direction, action on motion to extend time, other matters as necessary. (11/09/06)
4. PSC Legislation – Discussion, direction, action on these potential bills: 1) Natural gas USB; 2) Telecom promotions; 3) Chapter 8 reform; 4) Periodic rate review. (11/09/06)
5. Montana Shared Catalogue – Discuss new information regarding the on-going cost to belong to the MSC. (11/09/06)

**Other Meetings**

Weekly Scheduling – Will be held at 9:00 a.m. on the day of the Commission Meeting

**Wednesday, 11/08/06 at 1:30 p.m. - Bollinger Room – MITS Informational Meeting. (11/08/06)**

**Notice Items** All items identified below are noticed for public participation purposes. Unless otherwise stated in the text of the notice, the items will be action items on the next following agenda or a subsequent agenda and participation may be

had by submitting written comments to the Public Service Commission, 1701 Prospect Avenue, P.O. Box 202601, Helena, Montana, 59620-2601, within 5 calendar days following publication of this agenda. Public comments on a noticed matter may also be submitted within the required time through the PSC's web-based comment form at <http://psc.mt.gov/Consumers/comments>. Comments should reference the docket number of the matter.

1. CenturyTel N2006.10.156 (Scott)

On October 26, 2006, CenturyTel filed Transmittal No. 06-08. The purpose of this filing is to clarify the facility reservation service to vacation number. The Company is requesting an effective date of November 25, 2006.

2. CenturyTel N2006.10.159 (Scott)

On October 30, 2006, CenturyTel filed Transmittal No. 06-09. The purpose of this filing is to reduce the monthly charge to \$39.95 for the Simple Choice Unlimited service offering. The Company is requesting an effective date of November 30, 2006 for this filing.

**Protective Orders – Notice Items** The Commission has received the following requests for protective order pursuant to ARM 38.2.5007. The Commission will rule on the requests no earlier than 10 days after the publication date of this agenda. Comments on the requests may be submitted at any time prior to ruling. Any person wanting a copy of a protective order request should contact the Commission at (406) 444-6199.

1. Cut Bank Gas D2006.2.15 (Martin)

On October 26, 2006, CBG filed a Motion for Protective Order to govern disclosure of certain quarterly-report information required by PSC Docket No.D2006.2.15, Order No. 6720c (August 4, 2006). CBG requests protection of the wages, salaries, fees, compensation, and benefits received by CBG employees, management, and directors. CBG argues the identified information is projectile under the right to individual privacy, including as provided by Art. II, Sec. 10, of the Constitution of Montana.

2. Cut Bank Gas Annual Reports (Martin)

On October 26, 2006, CBG filed a Motion for Protective Order to govern disclosure of certain information required in annual reports to the PSC. CBG requests protection of the wages, salaries, fees, compensation, and benefits received by CBG employees, management, and directors. CBG argues the identified information is projectile under the right to individual privacy, including as provided by Art. II, Sec. 10, of the Constitution of Montana.

3. Commission Initiated N2006.10.149 (AI)

On November 1, 2006, the Commission Staff filed a Motion for Protective Order to govern disclosure of Confidential Information as defined in the FERC Electric Tariff of the Midwest Independent System Operator. Confidential Information is any proprietary or commercially or competitively sensitive information, trade secret or information regarding a plan, specification, pattern, procedure, design, device, list, concept, policy or compilation relating to the present or planned business of a Transmission Customer, Market Participant, or other user, which is designated as confidential by the entity supplying the information. Capitalized terms are defined in the FERC Electric Tariff. Staff asserts that the Confidential Information is protected from disclosure by federal law and that federal law preempts state law.

4. Qwest Corporation D2006.3.39 (Tim)

On October 25, 2006, Qwest Corporation (Qwest) filed a Motion for Protective Order in the above docket. The requested Protective Order would govern disclosure of Qwest's List of Regular and Stand-alone DSL Subscriptions and VOIP Subscriptions in Montana. Qwest argues the information for which protection is requested is constitutionally protected confidential business information and trade secret.

5. Qwest Corporation D2006.6.81 (Tim)

On October 25, 2006, Qwest Corporation (Qwest) filed a Motion for Protective Order in the above docket. The requested Protective Order would govern disclosure of Qwest's Monthly Monitoring Reports and Disaggregated Access Line Counts. Qwest argues the information for which protection is requested is constitutionally protected confidential business information and trade secret

**Protective Orders – Information Items** The Commission has issued the following protective orders. These orders may be challenged pursuant to ARM 38.2.5008. Copies of these orders may be obtained by calling the Commission at (406) 444-6199

1. Hot Springs Telephone Co. N2006.4.48 (Tim)

On October 31, 2006, the Commission approved Hot Springs Telephone Co.'s (HSTC's) Motion for Term Protective Order in the above docket. The requested Term Protective Order governs disclosure of cost, traffic, and other proprietary information, including Schedule 27 of its annual report. HSTC argued the information is constitutionally protected confidential business information and trade secret.

2. Ronan Telephone Co. N2006.4.47 (Tim)

On October 31, 2006, the Commission approved Ronan Telephone Co.'s (RTC's) Motion for Term Protective Order in the above docket. The requested Term Protective Order governs disclosure of cost, traffic, and other proprietary information, including Schedule 27 of its annual report. RTC argued the information is constitutionally protected confidential business information and trade secret.

**Information Items** All items identified below are for information only.

**New Filings Received in Past Week**

N2006.10.156 – CenturyTel of Montana – Tariff sheets - Clarify vacation and Facility Reservation Service to Vacation number Reservation.

N2006.10.157 – Cut Bank Gas Company – Motion for protective order for employee wages, management compensation and directors' fees included in the annual report.

D2006.10.158 – MDU – Natural gas tariff Thermal Zone Boundaries.

N2006.10.159 – CenturyTel of Montana – Reduce the monthly charge for Simple Choice Unlimited service.

